

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PHOTONIC CURING LLC,

Plaintiff,

v.

KERR CORPROATION,

Defendant.

CIVIL ACTION NO. 2:15-cv-634

JURY TRIAL DEMANDED

**PLAINTIFF PHOTONIC CURING LLC'S
ANSWER TO DEFENDANT'S COUNTERCLAIMS**

Plaintiff Photonic Curing LLC's ("Photonic" or "Plaintiff") files its Answer to Defendant Kerr Corporation's ("Kerr" or "Defendant") Counterclaims (Dkt. No. 14) filed July 31, 2015, as follows. Photonic's specific responses to the numbered allegations are set forth below.

THE PARTIES

37. Upon information and belief Photonic admits that Kerr is a Delaware corporation. Upon information and belief Photonic denies that Kerr's principal place of business is at 1717 West Collins Avenue, Orange, California 75093¹. Upon information and belief, there is no 75093 zip code in California and is therefore denied.

38. Admitted.

JURISDICTION

39. Admitted.

¹ Photonic requests the Court to take judicial notice that 75093 is a zip code of Plano, Texas and that 92867 is a zip code of Orange, California.

40. Photonic admits that it alleges in its Complaint that Kerr has infringed and continues to infringe the ‘077 Patent. Except as so admitted, the remaining allegations in paragraph 40 are denied.

41. Photonic admits that this Court has subject matter jurisdiction over its claims of patent infringement against Kerr and there is an actual controversy between Photonic and Kerr regarding Kerr’s infringement of U.S. Patent No. 6,468,077 (the “‘077 Patent”). Except as so admitted, the remaining allegations in paragraph 41 are denied.

42. Photonic admits that this Court has personal jurisdiction over Kerr regarding Kerr’s infringement of the ‘077 Patent. Except as so admitted, the remaining allegations in paragraph 42 are denied.

43. Photonic admits that this Court has personal jurisdiction over Kerr regarding Kerr’s infringement of the ‘077 Patent. Except as so admitted, the remaining allegations in paragraph 43 are denied.

VENUE

44. Photonic admits that venue is proper in this district for the adjudication of its claims against Kerr. Except as so admitted, the remaining allegations in Paragraph 44 are denied.

45. Photonic admits that venue is proper in this district for the adjudication of its claims against Kerr. Photonic denies that this District is not the most convenient forum. Except as so admitted, the remaining allegations in Paragraph 45 are denied.

**FIRST COUNTERCLAIM: DECLARATORY JUDGEMENT
OF NON-INFRINGEMENT OF THE '077 PATENT**

46. To the extent that Kerr seeks to incorporate by reference the allegations and averments of its forgoing paragraphs, such incorporation is improper under Fed. R. Civ. P. 8(c) and requires no response.

47. Photonic admits that Kerr seeks a declaration of non-infringement; however, Photonic denies that Kerr is entitled to any such relief. Except as so admitted the remaining allegations in paragraph 47 are denied.

**SECOND COUNTERCLAIM: DECLARATORY JUDGEMENT OF
INVALIDITY OF THE '077 PATENT**

48. To the extent that Kerr seeks to incorporate by reference the allegations and averments of its forgoing paragraphs, such incorporation is improper under Fed. R. Civ. P. 8(c) and requires no response.

49. Denied.

50. Denied.

51. Denied.

52. Photonic admits that Kerr seeks a declaration of invalidity of the '077 Patent; however, Photonic denies that Kerr is entitled to any such relief. Except as so admitted the remaining allegations in paragraph 52 are denied.

JURY DEMAND

Kerr's Jury Demand is an averment to which no responsive pleading is required pursuant to Fed. R. Civ. P. 8(d) and is therefore denied.

PRAYER FOR RELIEF

Kerr's Prayer for Relief is an averment to which no responsive pleading is required pursuant to Fed. R. Civ. P. 8(d) and is therefore denied.

Dated: August 24, 2015

Respectfully submitted,

By: */s/ Austin Hansley*
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PHOTONIC CURING LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Austin Hansley
Austin Hansley